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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,843	01/24/2001	Yoshinori Matsui	2001-0071A	3354

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WASHINGTON, DC 20006-1021

EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,843

Applicant(s)

MATSUI, YOSHINORI

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/21/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed 1/24/01.
2. Claims 1-15 are pending. Claims 1, 6, 11, 14, and 15 are independent claims.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

4. The information disclosure statement (IDS) submitted on 05/21/01 is being considered by the examiner.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Batson et al., US 6,098,126, 8/1/00 (filed on 10/27/98).

In reference to claims 1, 14, and 15, Batson discloses a method and apparatus for synchronization of data retrieval and presentation for motion pictures. See column 1, lines 19-39. Batson discloses the following:

-An apparatus comprising storage media, storage device, and a scheduling unit. The multimedia data (video, audio, or text) can be remotely stored on a storage device that is accessed via a network. The scheduling unit comprises a retrieval unit for retrieving multimedia data from the storage device at or before a specified play time. See columns 2 and 3, lines 1-19. Compare to ***“a first reception unit for receiving location information indicating the locations of the data sources having the respective media data on the network, first time information indicating the playback start times of the respective media data, and second time information for requesting the respective media data from the corresponding data source”***.

-A scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Compare to ***“a time setting unit. . .a data request unit. . .a second reception unit for receiving the media data supplied from the data source according to the request from the data request unit”***.

In reference to claim 2, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42.

In reference to claim 3, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

In reference to claim 4, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified play time. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6. Batson further teaches that the system takes into account the latency and performance of the data source when scheduling the data retrieval. See column 7, lines 27-42. A scheduling unit for retrieving multimedia data

from the storage device is set before the specified play time. The scheduling unit takes into account any expected delays and latency before setting the data retrieval time.

See columns 6-8.

In reference to claim 5, Batson discloses a scheduling unit for retrieving multimedia data from the storage device at or before the specified playtime. The scheduling unit comprises a retrieval unit for retrieving the data from the source based on the scheduled time. See columns 3-6.

Claims 6-10 are rejected under the same rationale used in claims 1-5 respectively above.

Claims 11-13 are rejected under the same rationale used in claims 1-3 respectively above.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Diamond et al. US 2002/0035616 A1

White et al. US 6,628,302 B2


Kindell et al. US 5,854,887

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 571-272-4099. The examiner can normally be reached on M-F (8:30AM-6:00PM). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
06/22/05


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